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Held at the Palais Wilson, Geneva, on Tuesday, 9 October 2018, at 3 p.m.

Chair: Ms. Waterval (Rapporteur)

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In the absence of Mr. Shany, Ms. Waterval (Rapporteur) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fifth periodic report of the Sudan (CCPR/SDN/5; CCPR/C/SDN/Q/5; and CCPR/C/SDN/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of the Sudan took places at the Committee table.*

2. **Mr. Dugdug** (Sudan) said that every effort had been made to ensure that the State party's report was both transparent and objective. The Sudan had striven to implement the letter and spirit of the Covenant through its legislation, policies and practices. In addition to introducing the legislative amendments listed in paragraph 8 of the report, in 2017 his Government had adopted the Act on the National Council of Persons with Disabilities.

3. The State reform programme launched in 2014 covered all aspects of public life and human rights while focusing on human resources development in the civil service and on legislative, legal and judicial reform. In the wake of the National Dialogue Conference, his Government had adopted 52 recommendations aimed, inter alia, at advancing the State's foreign relations and making improvements in the media, and a constitutional drafting mechanism had also been set up. The National Security Act, the Code of Criminal Procedure, the Code of Civil Procedure and the Constitutional Court Act had been amended, and in 2017 a law had been introduced which provided for the establishment of a public prosecutor's office that would be independent from the Ministry of Justice. The amendments made to the interim Constitution had faithfully reflected the outcome of the national dialogue and had therefore helped to build trust between the Government and the opposition. It was still possible for political parties and armed groups that had not participated in the dialogue earli to join in. In that context, it should be noted that, in March 2017, the President had amnestied 256 members of armed groups who had been arrested while fighting government forces.

4. The action taken on those fronts had strengthened human rights and fundamental freedoms. The Sudan was party to most of the core international human rights treaties and had ratified the United Nations Convention against Corruption in September 2017. At the beginning of October 2018, the President had issued a presidential decree by which the State had ratified the Convention against Discrimination in Education, the African Union Convention on Preventing and Fighting Corruption, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

5. The independent human rights institutions of the Sudan included the Constitutional Court, whose final and binding decisions had succeeded in entrenching constitutional principles. The Chair and members of the National Human Rights Commission had been appointed, and the requisite human and financial resources had been allocated to it. The Special Court for Darfur had issued a number of rulings and was still considering several other cases.

6. His Government was fully committed to its unilateral declaration of a ceasefire in Darfur, Southern Kordofan and Blue Nile, which had been renewed in July 2018. The humanitarian situation in conflict areas had stabilized, and the campaign to collect arms was continuing. The Government was directing its main efforts towards the development and rehabilitation of those areas in order to establish peace and security on a sustainable basis. It had likewise striven to open up humanitarian corridors in order to provide the necessary assistance to the population in conflict areas, in cooperation with its partners. That effort had been recognized in the report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2018/389). However, the Sudan was receiving a growing number of asylum seekers from neighbouring countries and elsewhere

in the region, and that influx was placing an additional burden on his own country's limited resources.

7. The Sudan, a transit country for migrants attempting to reach Europe, was making a tremendous effort to combat human trafficking and transnational organized crime and to provide assistance to trafficking and other crime victims.

8. The 2013–2023 Action Plan for the Promotion and Protection of Human Rights focused on human rights education, the advancement of economic, social, civil and political rights and the protection of women's and children's rights and the rights of persons with disabilities. The Sudan was committed to cooperation with the special procedures of the Human Rights Council. In 2018, it had welcomed visits from the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict and the Independent Expert on the situation of human rights in the Sudan. It had also cooperated with the African Union-United Nations Hybrid Operation in Darfur (UNAMID). Another action plan had been finalized by his Government and the United Nations for the protection of children in areas of armed conflict. The implementation of that plan had led to the Sudan being removed from one of the Secretary-General's lists of countries where armed groups and armed forces recruited and used children.

9. In the interests of peace and stability, his Government had hosted negotiations between the Government of South Sudan and the opposition movement and had mediated the peace agreement signed in August 2018. The Sudan had also made substantial progress in acting upon the recommendations made during the second cycle of the universal periodic review. The Minister of Justice had issued Decision No. 1 of 2017 on the formation of a technical committee to follow up on the implementation of those recommendations. The voluntary interim report to the universal periodic review mechanism would be ready for submission by December 2018. All that work had been achieved with a very limited supply of local resources and without any financial support or assistance from the mechanism or any other donor.

10. His Government had demonstrated its resolve to promote and protect human rights and to address the challenges it was facing in that respect by establishing a national human rights strategy and crafting plans for reducing illiteracy, combating poverty and expanding the right to education in order to promote the full enjoyment of human rights. Achieving peace was an indispensable foundation for building an enabling environment to that end.

11. **Mr. Heyns** said that, with reference to question 1 on the list of issues, he would like to know to what extent courts in the Sudan referred to the Covenant in their decisions. The example provided in paragraph 16 of the State party's report concerned a judgment which appeared to have been based on the Constitution rather than on the Covenant. He wished to know what measures had been adopted to give effect to the Committee's recommendations, especially in view of the lack of any follow-up to the Committee's previous concluding observations (CCPR/C/SDN/CO/4). He would be interested to learn why the State party had not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and when it planned to do so. The legislation mentioned in the report in connection with the legal definition of torture did not cover all the elements listed in the latter Convention.

12. With regard to question 2, he wished to know whether the National Human Rights Commission was independently funded in accordance with the Paris Principles. The fact that the Chair of the Commission was appointed by the President and was answerable to him called into question the independence of the Commission's members. Were there any plans to apply for accreditation from the Global Alliance of National Human Rights Institutions (GANHRI)?

13. With regard to question 3, on the status of the State reform programme, the Committee wished to know whether supervisory systems for the intelligence services were in place, given the fact that they had been granted law enforcement powers in 2016 and reported directly to the President. The Committee was also keen to learn more about the review that was being undertaken of the laws on female genital mutilation, apostasy,

stoning, whipping, discrimination and religiously motivated hate speech or crimes. As the veritable legal revolution that was taking place appeared to be straining the capacity of the lawyers who were assisting with the drafting of the new laws, he wondered whether the Sudan required or was receiving technical assistance from the United Nations Office of the High Commissioner for Human Rights (OHCHR) and other United Nations departments.

14. Lastly, with reference to question 12 on the right to life in situations of armed conflict, the Committee was concerned about the issue of accountability for violations of that right before and during the ceasefire in Darfur, Southern Kordofan and Blue Nile. Another concern was that the Rapid Support Forces, which apparently also reported directly to the President, were alleged to have committed human rights violations. He would therefore be grateful if the delegation could comment on their role and on investigations into allegations that large-scale attacks on villages in Darfur in 2014 and 2016 had resulted in a large number of casualties. He also wished to know whether any investigations had been conducted into the deaths resulting from attacks on the Jebel Marra area in 2016 in which evidence obtained by Amnesty International suggested that chemical weapons had been deployed. He would also be interested to hear the delegation's comments on reports that organizations providing humanitarian assistance had been denied access to opposition-held areas in Southern Kordofan and Blue Nile since 2011. In that connection, he wished to know to what extent government officials were held to account for serious human rights violations. Was the International Criminal Court regarded as a means of ensuring accountability?

15. **Mr. Ben Achour**, referring to question 4 on the list of issues, said that he wondered to what extent article 211 of the Constitution could be deemed compatible with article 4 of the Covenant and why the state of emergency in North Kordofan and Kassala had not ended on 30 June 2018. Was there a special tribunal tasked with reviewing the legality of arrests and detentions made during the state of emergency or were those matters reviewed by ordinary courts? He wished to know if arbitrary arrest and detention was a prosecutable offence and whether the Secretary-General had been notified, in accordance with article 3 (4) of the Covenant, of the measures taken under the state of emergency.

16. With regard to the death penalty, he would like to know whether the Government of the Sudan had modified the list of crimes subject to the death penalty to make it compatible with article 6 (2) of the Covenant and whether the Anti-Human Trafficking Act had been amended to that end. Article 27 of the State party's Criminal Code provided for stoning accompanied by crucifixion as a method of execution. How could such practices be deemed compatible with the Covenant or indeed with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment? Stoning was a form of torture, as well as a denial of human dignity, and was therefore also a violation of article 16 of the Covenant. Article 27 of the Criminal Code should be amended as a matter of the greatest urgency.

17. He would welcome information on specific cases in which perpetrators of acts of torture, including law enforcement officials, had been brought to trial and would like to know whether the State party envisaged granting reparations to their victims. He would also appreciate an update on the status of the bill that would amend the 1991 Criminal Code and would be interested to hear the delegation's comments on the proposed definition of torture contained therein. Information would also be welcome on the steps taken by the State party towards acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Lastly, he would appreciate the State party's comments on the charges made in a recent report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment that the individuals Amgad al-Tayeb, Ali Abdelatif, Madawi Ibrahim Adam, Irwa al-Sadig and Ismail Hamdoun had been subjected to torture in the Sudan.

18. **Mr. Politi** said that he would be interested to hear the delegation's explanation of how article 31 of the interim Constitution could be interpreted as being fully consistent with article 26 of the Covenant. Were there any plans to amend the wording of that article to introduce a comprehensive list of prohibited grounds for discrimination, including national or social origin, property, and birth or other status? He would be interested to learn of any measures that the State party had taken or planned to take to eliminate all discriminatory

provisions from Sudanese laws, including those that permitted discrimination on the grounds of sexual orientation and gender identity. He would also appreciate a full account of the measures that had been taken to uphold the principle of gender equality as set out in article 32 of the interim Constitution. Detailed information would be welcome on the content of the bill that would criminalize discrimination on the basis of religion or race, as well as on the foreseeable time frame for its adoption. In addition, he would be interested to hear the delegation's comments on the reports of violations of religious freedom targeting Christians and their places of worship, including the demolition and unlawful confiscation and sale of church property and the arrest and harassment of church leaders. In that regard, he would appreciate information on measures that the State party intended to adopt to prevent such violations from reoccurring in the future. Additional information on the State party's mechanisms for handling and responding to reports of discrimination would also be appreciated. More specifically, he would like to know how the members of those bodies were appointed, what guarantees of due process were in place for complainants, whether complainants had the right of appeal and what type of legal aid was available for indigent complainants.

19. Could the State party clarify whether sodomy among consenting adults was considered to be a crime in all circumstances? He was interested to know whether the State party intended to repeal article 148 of the Criminal Code to ensure compliance with articles 2, 17 and 26 of the Covenant. In addition, it would be useful to receive statistical data on criminal proceedings dealing with the crime of indecent acts, convictions on such charges and criminal complaints based on those charges lodged by aggrieved parties. Lastly, information would be appreciated on any awareness-raising campaigns or other concrete measures carried out to combat stereotypes and discrimination based on sexual orientation and gender identity.

20. **Ms. Cleveland** said that she wished to receive further information on the State party's plans to review and amend its personal status and child custody legislation and, in particular, the articles of the Personal Status Code that provided that a woman's marriage contract must be concluded by a male guardian, conferred different rights in marriage on men and women and mandated that wives must be obedient to their husbands. In addition, the State party should clarify what the legal age for marriage was considered to be for the purposes of article 15 (1) of the Constitution and what the relationship was between article 15 (1) and the Personal Status Code, which reportedly provided for the marriage of girls as young as 10. It would also be useful to know whether the State party planned to set the legal age for marriage at 18, in line with the definition of a child contained in the Sudanese Children's Act. She would welcome information on any awareness-raising or other initiatives for preventing early marriage and for providing support to victims of early marriage, especially children belonging to vulnerable groups.

21. She would be grateful for the State party's comments on the case of Noura Hussein, who had been sentenced to death for killing her husband as he was attempting to rape her. It had been reported that the State prosecutor was seeking to overturn a court ruling that had quashed that death sentence. Was that accurate? She would be interested to learn what the State party was doing to ensure that the death penalty was not applied in Ms. Hussein's case and, in addition, to have her commuted sentence of 5 years' imprisonment and a large fine be reconsidered on the grounds that it was disproportionate. She would also welcome information on any measures that the State had taken to ensure that the Sudanese courts gave appropriate consideration to situations of forced marriage, rape and other forms of gender-based violence in criminal proceedings of the type brought against Ms. Hussein. Were there plans to eliminate polygamy in law and in practice? She would like to invite the State party to clarify its time frame for ratifying the Convention on the Elimination of All Forms of Discrimination against Women.

22. It would be helpful for the State party to explain how the criminalization of marital rape in article 149 of the Criminal Code was reconciled with the provisions of the Personal Status Code that could be construed to imply that a wife could be forced to engage in sexual relations with her husband. In that regard, she would welcome confirmation that the State party did indeed plan to further amend article 149 so as to explicitly prohibit marital rape. She would appreciate information on any measures taken by the State party to inform

police officers, prosecutors, judges and the public at large that marital rape was a crime and to educate them about domestic and gender-based violence in general. It would be useful to know how many police officers had been trained in such matters and where they were posted. She would be interested to know whether the State party had taken steps to ensure that cases of sexual, domestic and gender-based violence were reported and investigated and that persons who committed such acts were prosecuted and punished. In particular, she wished to know whether any steps had been taken to provide access to reporting mechanisms and police protection in remote areas, combat stigmatization, ensure access to legal assistance and put an end to the practice of extrajudicial reconciliation, especially when such reconciliation involved the marriage of the victim and the perpetrator.

23. She also wished to know what was being done to provide women victims of domestic and gender-based violence with access to medical, legal and psychosocial support. Information would be appreciated on how the State party planned to respond to criticism that its investigations into past cases of mass rape by security forces and Government-backed militias had been ineffective and whether it intended to reopen investigations into those cases. It would be useful to know what the State party was doing to encourage women to report sexual violence perpetrated by members of government forces and to investigate and prosecute those responsible. Could the State party also clarify whether the immunity from prosecution established under article 34 (2) of the Armed Forces Act of 2007 applied to suspected cases of rape committed by members of security forces?

24. Finally, she would like to receive information on the incidence of maternal mortality resulting from unsafe abortion and on any prosecutions opened under article 135 of the Criminal Code, which criminalized the voluntary termination of pregnancy, and any sentences imposed. In that regard, it would be useful to know what measures the State party had taken to revise its legislation in order to make it unnecessary for women to resort to unsafe abortions, to ensure that women and girls had access to post-abortion care and to ensure that medical professionals were appropriately trained in safe pregnancy termination procedures. Furthermore, she would be interested to learn what the State party had done to improve access to adequate sexual and reproductive health-care services and education and to contraception for all persons in the Sudan, including vulnerable populations. It would also be useful to know in what circumstances access to emergency contraception was available in the Sudan.

25. **Mr. Muhumuza** said that he wished to know what sanctions the State party imposed on perpetrators of female genital mutilation and whether any reparations were offered to victims. It would also be useful to know whether corrective surgery and psychological counselling were offered to victims in order to mitigate the physical and psychological harm that they had endured. The delegation might also provide information on any awareness-raising campaigns it had organized at the community level to sensitize traditional leaders, imams and families to the negative health consequences of female genital mutilation. He was interested to know whether the State party had considered offering economic compensation to the so-called "surgeons" who stood to lose revenue as a result of the discontinuation of the practice of female genital mutilation; that approach had been used in other communities and seemed to have produced positive results. Lastly, he would welcome information on any other measures that the State party had taken to combat female genital mutilation, as well as statistics on the incidence of the practice in the Sudan, the number of complaints received by public authorities, the number of investigations and prosecutions mounted and concluded, and the number of convictions secured and sentences served.

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

26. **Mr. Dugdug** (Sudan) said that the delegation would answer as many of the Committee's questions as time allowed. Any issues that remained pending would be addressed in writing and sent to the Committee following the conclusion of the meeting.

27. The aim of the decision to extend the state of emergency in Kassala and Northern Kordofan had been to recover arms, ammunition, explosives and illegal vehicles and to fight crimes that threatened the security of the country's citizens, such as human trafficking

and drug smuggling. Campaigns to collect weapons had already been seen to have a positive impact on security and stability in other areas of the country.

28. While it was true that Sudanese law still provided for capital punishment, a person could be sentenced to death only following a fair investigation and a fair trial. Furthermore, there were additional safeguards in place relating to the use of capital punishment, including the right to appeal, the right of the victim's family to have the penalty reduced and the possibility of being granted amnesty by the President in the case of political crimes. Although the Criminal Code did provide for stoning and crucifixion as a method of execution, that method had never been used. A bill had been submitted to amend those provisions and the matter was therefore under review.

29. A special office had been set up by the Prosecutor General to investigate the crimes committed in Darfur. Statistics in the possession of that office, in addition to detailed information on the investigations being carried out on the ground, would be sent to the Committee following the conclusion of the meeting. With regard to the National Human Rights Commission, although the President appointed its Chair, the members of the Commission were independent and it had an independent budget. As with any new body, the Commission faced certain challenges. However, every effort was being made to overcome those challenges and to improve the Commission's performance in line with international standards and recommendations.

30. **Ms. Abdelhalim Ahmed** (Sudan) said that important steps were being taken in the fight against female genital mutilation at both the federal and state levels. Further to talks held with the African Union, a modernized law that would prohibit the practice had been prepared and approved by the Council of Ministers and would soon be submitted to the National Assembly for ratification. By 2014, four states had already adopted legislation to criminalize female genital mutilation and, since then, two more had followed suit. According to the information available to the delegation, as of 2006, 43 per cent of girls aged 14 years or under had been subjected to female genital mutilation. By 2014, that figure had dropped to 31.1 per cent. Three regions had already claimed to have successfully eliminated the practice.

31. While the Committee would be kept informed on the progress made concerning the ratification of the law to prohibit female genital mutilation, the Government believed that raising awareness in the community was a more effective method of combating the problem. The Government had launched two awareness-raising campaigns: the "Salima" campaign was aimed at children and the Mercy campaign dealt with both harmful practices and domestic violence. Female genital mutilation was primarily performed by traditional midwives and, with the participation of the World Health Organization (WHO), the United Nations Population Fund and religious leaders, a project had been launched to provide those practitioners with alternative means of earning a living.

32. The death sentence that Noura Hussein had originally received would not be reinstated. The Criminal Code included provisions under which acts of marital violence and sexual violence in marital relations were defined as criminal offences. If a wife submitted a formal complaint, she was entitled to ask for a divorce and, under sharia law, women had the right to refuse to enter into a polygamous marriage and to include a provision in the marriage contract indicating that they would be entitled to ask for a divorce if their husband were to take a second wife.

33. The Unit for Combating Violence against Women and Children had been established in 2005. It had worked with United Nations agencies on several projects in the Sudan, including investigations into a number of reports of cases of rape. Those investigations had proved that those rapes had not taken place and another investigation had found that the number of women who had been gang raped had been misrepresented. Reports to that effect had been submitted to the Special Representative of the Secretary-General on Sexual Violence in Conflict, along with information on the persons concerned, including members of the police and the armed forces, but none of those cases had been substantiated. Similarly, with regard to the rapes that were alleged to have taken place in the village of Thabit in 2014, an enquiry had been carried out and the allegations had been found to be untrue. The United Nations Security Council had been briefed on the matter.

34. The Government had worked with WHO to establish reproductive health programmes and services for women who had been victims of rape. Those services included medical and psychological treatment, and legal support was available. Women had the right to undergo an abortion during the first 90 days of pregnancy if their life was in danger, if they had been raped or if the unborn child was unlikely to survive the birth. Comprehensive services were provided for women undergoing an abortion, and the procedures involved in such cases has been established and were followed throughout the country. Around 3,500 sociologists had received specialized training and, although the Ministry of Justice had declared that victims were not obliged to submit a legal complaint, police officers had been trained how to register complaints from rape victims. The Criminal Code had been amended in 2015 to distinguish between the offence of rape and that of adultery and to criminalize sexual harassment for the first time. A commission had also been set up in cooperation with United Nations agencies, including WHO, to raise awareness about violence against women and about the Convention on the Elimination of All Forms of Discrimination against Women.

35. Women police officers played an important role in protecting the rights of women civilians in the Sudan, particularly in conflict areas. The Government had worked with UNAMID on that issue, and a training guide had been prepared. It was hoped that technical aid would be provided to support the training of more women police officers in the areas where they were needed the most, including the states of Northern Kordofan and Blue Nile.

36. Regarding the concerns raised about discrimination on the grounds of sexual orientation, the fact was that the Sudanese Constitution characterized the family as being the result of marriage, which it defined as a union between a man and a woman. Although same-sex marriage went against that provision, the Constitution associated rights with citizenship, and all Sudanese citizens therefore enjoyed the same rights, regardless of any other factors.

37. The country had been asked to amend its legislation so as to define marital rape as a specific criminal offence. Since 1991, the Criminal Code had contained a provision on the offence of sexual violence in a marriage, which encompassed marital rape. It was important for States to understand their obligations, so the Sudan had asked for a clear definition of marital rape from the Committee on the Elimination of All Forms of Discrimination against Women. In the meantime, although the exact term did not appear in the country's Constitution, marital rape remained illegal under the Sudanese Criminal Code.

38. **Mr. Eltahir** (Sudan) said that the Sudanese Constitution had been amended in May 2017 to remove certain provisions that had been introduced in 2016. As a result, there was no longer such a strong emphasis on the State security apparatus, and new provisions had been introduced to strengthen the political freedom of the country's citizens. The Government's Rapid Support Forces were part of the military, and all military forces answered to the President of the Republic. The allegations concerning the Rapid Support Forces were baseless and had been invented by rebel forces. The same was true of the allegations relating to the use of "poisonous smoke". Local authorities had held meetings with mayors and hospital assistants in the areas in question and had found that the allegations were false.

39. With regard to the question posed earlier by Mr. Ben Achour, arbitrary arrests were not permitted in the Sudan. The regulations that governed the activities of the national security forces allowed for the arrests that had been made during the state of emergency, and those arrests had not contravened article 9 of the Covenant. Special courts monitored the actions taken by security forces, and a judge had been appointed by the public prosecutor to carry out inspections of detention facilities on a daily basis. The detentions in question had tended to be short, although their duration depended on the particular circumstances of each case. If the length of any detention exceeded a month, the case would automatically be submitted to the courts for a decision as to whether the detainee should be held any longer. Any period of detention that exceeded that duration ceased to be considered as a case of pretrial detention.

40. Amgad al-Tayeb, Ali Abdelatif and others had been arrested by the police for promoting riotous behaviour during the September demonstrations, and legal proceedings

had been instituted against them. Irwa al-Sadig had been sentenced to a one-year prison term. The trials had been conducted in public and had been attended by representatives of a number of international organizations and diplomatic missions based in Khartoum. None of the defendants had claimed to have been tortured during the investigation or while their trial was taking place.

41. **Mr. Eltahir** (Sudan) said that, although Christians accounted for just 3 per cent of the population of the Sudan, there were 320 churches in Khartoum, of which 56 had been granted permits by the local authorities and 264 had been unlawfully built in private houses, farms or cemeteries. The allegations concerning the demolition of churches were unfounded. If complaints were filed about churches built on private property, the cases were investigated and a judgment was handed down. Christian religious leaders were not prosecuted for preaching their faith. If they were suspected of having committed criminal offences, they were represented by defence counsel and their cases were heard in the ordinary criminal courts. For example, the Reverend Hassan Abdelrahim Tawor had been charged with espionage and collaboration with rebel groups and sentenced to a 15-year prison term.

42. **Mr. Dugdug** (Sudan) said that torture was a criminal offence in the Sudan. Isolated cases had occurred, but the perpetrators had been prosecuted. Studies had been conducted in connection with the possible ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and consultations had been conducted with stakeholders. Reviews of the country's jurisprudence indicated that the Convention could, in all likelihood, be ratified in due course.

43. The challenges faced in securing access for humanitarian aid workers in the past had been surmounted. The ceasefire in Southern Kordofan, Blue Nile and Darfur had been upheld, weapons had been successfully collected and the agricultural sector was thriving. Procedures leading to notification of the United Nations Secretary-General of the termination of the state of emergency had been initiated.

44. He could confirm that there was no religious discrimination whatsoever against Christians in the Sudan. Christians actually organized fast-breaking meals in churches at the end of Ramadan, and Christian churches had been visited by senior government officials. Muslims and Christians coexisted peacefully and there was no hatred or animosity between the two communities. Equality before the law was guaranteed by the Constitution. Challenges naturally arose when it came to guaranteeing adherence to that principle, but vigorous action was taken to address and surmount any problems that arose in that connection.

45. **Mr. Mustafa Ahmed** (Sudan) said that the Minister of Justice had established a technical committee composed of a range of specialists and representatives of civil society to monitor the action taken pursuant to the recommendations issued during the universal periodic review sessions and by treaty bodies.

46. **Mr. Heyns** said that the question arose as to how much reliance could be placed on national human rights institutions; such institutions certainly promoted human rights in some cases, but in other cases they simply served as a vacuous public relations exercise or consumed resources without having any positive impact. The Committee was concerned about the degree to which the Sudanese National Human Rights Commission complied with the Paris Principles and wondered whether it would be recognized by GANHRI. The fact that the President and Vice-President of the Commission were appointed by the President of the Sudan, pursuant to the National Human Rights Commission Act, cast some doubt upon the Commission's independence. The appointment process should be inclusive, according to the Paris Principles, and the budget should not require the President's approval. It was unclear whether the Commission was authorized to conduct investigations and to receive individual complaints. Furthermore, as members of the police force and of the National Intelligence and Security Services enjoyed immunity from prosecution, presumably they could not be investigated either. He wondered whether such shortcomings could be addressed through training, capacity-building and the amendment of the applicable legislation.

47. **Mr. Ben Achour**, noting that stoning and crucifixion, according to the delegation, had not occurred in the Sudan in recent times, said that article 27 of the Criminal Code was therefore out of date and should be amended in order to align the State party's legislation with the status quo.

48. **Ms. Cleveland** said that she had taken note of the information that had been provided about laws and policies concerning the status of women and protection against gender-based violence. However, no information had yet been provided concerning their enforcement or protective action on behalf of victims. Statistics concerning the number of complaints of rape filed, the number of investigations undertaken and the prosecution and punishment of perpetrators would allow the Committee to arrive at a more concrete understanding of the actual situation. She wished to know how many police officers in Darfur had been trained to deal with complaints of rape, how many complaints they had received and how many persons had been successfully prosecuted for marital rape since the amendment of the applicable legislation. Had concrete steps been taken to amend article 40 of the Personal Status Code and to establish 18 years as the legal age for marriage?

49. She appreciated the fact that women had the option to request that their spouse should refrain from practising polygamy, but she also wished to know whether the State party's legislation permitted women to have more than one husband and whether it regulated divorce and dissolution of property ownership under those circumstances.

50. **Mr. Politi** asked whether the authorities had the discretionary power to authorize the demolition of churches that were deemed to have been established unlawfully or whether proceedings could be instituted on behalf of associations or individuals that claimed that those churches had been lawfully established. He would like to receive information concerning the Czech aid worker, Petr Jasek, who had been sentenced to life imprisonment for espionage and other offences. He also wished to know whether the State party intended to repeal article 148 of the Criminal Code concerning the crime of sodomy.

51. **Mr. Dugdug** (Sudan) said that many churches that had been built without a permit still functioned as places of worship, and no steps had been taken to arrange for their demolition. As the crime of sodomy was incompatible with Sudanese culture, religious beliefs and values, there were no plans to repeal article 48. Such acts were criminal offences, but all the requisite safeguards were in place to ensure that persons charged with that offence would have a fair trial. Accused persons were entitled to seek legal assistance, to contact their families and to lodge appeals.

52. The National Human Rights Commission received individual complaints, undertook investigations and communicated with the relevant authorities. As had been explained in the report and the replies to the list of issues, members of the National Intelligence and Security Services and police officers had procedural immunity but they did not enjoy immunity for criminal acts.

53. Further training and capacity-building on international human rights and humanitarian law would promote respect for the rule of law, but the Sudan suffered from a shortage of international and donor support for such projects. He could reaffirm his Government's willingness to cooperate with all relevant governmental and non-governmental bodies that were willing to support capacity-building programmes for law enforcement personnel. There was a great need for capacity-building support for other types of government staff as well, and in-depth consultations on projects and funding for such activities were being conducted with OHCHR.

54. **Ms. Abdelhalim Ahmed** (Sudan) said that women's groups had been set up, even in remote areas, to discuss ways of advancing the status of women through political participation and by other means. The proportion of women holding seats in the national and provincial parliaments had risen from 13 per cent prior to the amendment of the Elections Act in 2014 to 30 per cent in 2018. Discussions were under way concerning the types of legal action that could be taken to promote women's participation in all government institutions, including those in the executive branch, at the regional and national levels. Women were participating in decision-making roles and in other capacities in former conflict areas and in the implementation of the Doha Document for Peace in Darfur.

55. A committee, 50 per cent of whose members were women, had reviewed the Personal Status Code, including article 40. It had completed its work in March 2017 and had produced clear-cut recommendations. In addition, a parliamentary committee had been established in 2018 to discuss the drafting of a new article of the Code concerning the minimum marriageable age; that article would also set out the nature of the penalties for violations of its provisions. One of the findings of research conducted in 2014 had been that the high rate of marriage among minors (about 38 per cent) was a major contributing factor to the country's high dropout rates.

The meeting rose at 6 p.m.

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Held at the Palais Wilson, Geneva, on Wednesday, 10 October 2018, at 10 a.m.

Chair: Ms. Waterval (Rapporteur)

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In the absence of Mr. Shany, Ms. Waterval (Rapporteur) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fifth periodic report of the Sudan (*continued*) (CCPR/C/SDN/5; CCPR/C/SDN/Q/5; and CCPR/C/SDN/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of the Sudan took places at the Committee table.*

2. **Mr. Dugdug** (Sudan) said that, under the National Human Rights Commission Act, the Commission had a mandate to receive and examine complaints from individuals and civil society organizations concerning human rights violations, carry out investigations and take the necessary steps in response to its findings, including making recommendations to the authorities and calling for an immediate end to the violations.

3. **Mr. Eltahir** (Sudan) said that the allegations concerning the persecution of Christian religious leaders were unfounded. Regarding the specific case of Petr Jasek, in mid-2014 he had met with rebel leaders in the region of South Kordofan and provided them with vehicles and weapons. He had returned to the Sudan at the end of 2015, arriving at Khartoum airport on a tourist visa, where he had again met with representatives of rebel movements. The main objective of his visit had been to fabricate allegations about acts of genocide and torture of civilians and about the demolition of churches. He had been unable to obtain the documentation necessary to substantiate his allegations because no churches had been destroyed. Some religious chiefs and rebels in Khartoum had introduced him to a student who they claimed had been tortured for having converted to Christianity. Mr. Jasek had published photographs of the student and discussed his case at conferences outside the country in order to damage the reputation of the Sudan. The two other individuals mentioned in the list of issues — Hassan Abdelrahim Tawor and Abdulmonem Abdumawla — were not in fact Christians but Muslims. Mr. Abdumawla was a member of the rebel movement in Khartoum and was the person who had introduced the student to Petr Jasek. Those facts had all been acknowledged in court, and the actions in question thus constituted incitement to hatred and violence, which were crimes under Sudanese and international law. The individuals concerned had been represented by legal counsel at all stages of the proceedings, and their public trial had been attended by representatives of international organizations and diplomatic missions in the Sudan. Following the conviction and sentencing, the President of the Sudan had granted an amnesty to the prisoners, including Petr Jasek.

4. **Ms. Abdelhalim Ahmed** (Sudan) said that the Criminal Code set out the penalties for persons who performed female genital mutilation when that procedure resulted in a child's death. There had been a case of a 2-month-old girl who had died during the operation. Under the Personal Status Code, the performance of any surgical operation conducted outside a medical establishment on non-medical grounds, including female genital mutilation, was a criminal offence. The Sudanese Medical Council had issued a decision prohibiting all doctors from practising female genital mutilation and, in one case, a doctor had been stripped of his medical degree pursuant to that decision. A number of midwives had also been punished and had had their equipment kits confiscated. Projects were being run to develop alternative sources of income for traditional practitioners of female genital mutilation. With the support of the United States Embassy, a medical centre in Khartoum was offering reconstructive cosmetic surgery for women who had undergone female genital mutilation.

5. A marriage was not legally valid if the woman did not give her consent. The girl's or woman's guardian could not substitute for her, and a court representative must register the marriage. Under proposed amendments to the Personal Status Code, all of a woman's rights, including her rights in the event of divorce, would be set out in the marriage contract.

6. **Mr. Mustafa Ahmed** (Sudan) said that the President of the Republic appointed the Chair of the National Human Rights Commission as an act of sovereignty rather than in his capacity as chief of the executive branch. The eligibility requirements for members of the Commission included having the necessary integrity and competence, and they could not be affiliated with any political party. Members of the Commission could not be dismissed arbitrarily or at the discretion of the President.

7. **Mr. Dugdug** (Sudan), responding to questions raised by Mr. Heyns, said that, although the judges of the Constitutional Court, Supreme Court and other courts were appointed by the President of the Republic, the Sudan respected the differing opinions and practices of other States in that regard. The appointment process was based on strict criteria, and judges retained their independence and carried out their work on the basis of the Constitution and the laws of the country. The National Human Rights Commission was headed by a woman, and its composition was also balanced in geographic and religious terms. The case of Petr Jasek had now been closed: following the presidential amnesty, he had left the country by plane in the company of the Minister of Foreign Affairs of his home country.

8. **Mr. Muhumuza** said that he would welcome further information on the cosmetic surgery available to women who had undergone female genital mutilation. While it was commendable that some practitioners of female genital mutilation had been disbarred and had had their certificates withdrawn, he wondered what was being done with respect to unofficial traditional practitioners who did not have any certificates.

9. Having noted that the penalty of amputation provided for in the Criminal Code had not been applied since 1991, he would welcome clarification as to whether there was actually a clearly established moratorium on the application of that punishment and whether there were plans to remove it entirely from the statute books. He would appreciate a detailed update on the status of the draft Criminal Code and would like to know whether sentences involving corporal punishment could be imposed on child offenders. He would also be interested to know more about the State party's position on adultery and to learn whether the penalties of stoning or lashing set out in article 146 of the Criminal Code were in use and what constituted "indecent attire" for men and women under article 152 of the Criminal Code.

10. He would like additional information on exactly how the problems of inadequate health care, lack of access to water and sanitation, and violence directed at detainees were being addressed in the country's correctional facilities and how effective those efforts had been. He would be interested to hear more about the model that was being applied in Al-Huda Correctional City, which was said to be based on the latest penal and correctional methodologies, and in what ways it would improve conditions for inmates. He would appreciate further clarification on the measures being taken to prevent the internal displacement of persons and on the parameters of the national policy for internally displaced persons developed by the Humanitarian Aid Commission. The delegation might also comment on reports that internally displaced persons and poor households in areas controlled by armed non-State actors continued to face significant food consumption gaps due to the denial of humanitarian access by the State party.

11. He would welcome information on what was being done to prevent the abuses allegedly committed by the security forces against civilians and on disciplinary or prosecutorial measures undertaken by the State party in that connection. He would appreciate statistical data on victims of trafficking and a detailed description of the services offered to them, including medical and psychological assistance. He would also like the delegation to comment on the definition of trafficking used in the Anti-Human Trafficking Act of 2014, which some experts felt was not fully in line with article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Concern had also been expressed about the fact that the law provided for the death penalty for nine aggravated trafficking offences. Given that officials were apparently widely involved in trafficking and other illicit activities, he wondered whether steps were being taken to revise the legal provisions that granted immunity to law enforcement agents and

army personnel and to investigate and punish officials who perpetrated or were complicit in such crimes.

12. **Mr. Heyns** said that he would welcome clarification as to whether the death penalty was the mandatory punishment for murder, armed robbery, robbery, drug trafficking, adultery and apostasy. If the penalties of stoning and amputation were not imposed in practice, then he wished to urge the State party to remove them from the statute books, as their inclusion sent a message to society that such punishments were acceptable. Concerning the issue of immunities, he wondered whether a sitting or former president suspected of having committed crimes, especially ones that were offences under international law, could be prosecuted in the Sudanese justice system. He would be interested in learning more about the State party's position on the indictment of President Al-Bashir by the International Criminal Court for crimes against humanity, war crimes and genocide and on the indictment of Heads of State generally. He would welcome updated information on the investigations into the killings of Abubakar Hassan Mohamed Taha during the university elections in El Obeid, North Kordofan, and of Mohamed Al-Sadiq in clashes on campus between pro-Government and opposition students, both in April 2016. He would also like the delegation to respond to reports of restrictions being placed on public meetings of opposition parties, including instances in 2018 in which the National Intelligence and Security Services had prevented the Republican Party from marking the anniversary of the execution of its founder.

13. **Mr. Politi** said that he wished to know if any action had been taken to comply with the recommendation in the Committee's 2014 concluding observations (CCPR/C/SDN/CO/4) in which it had called on the authorities to ensure that police officers and security personnel carried out their activities in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other human rights standards. He remained concerned about reports that the excessive use of force persisted, with live ammunition, tear gas and rubber bullets still being used against protestors and causing numerous deaths and injuries. He would be interested to know whether effective and independent investigations were conducted in cases where protestors were killed or injured at the hands of security forces, which provisions of domestic law governed the actions of law enforcement officials dealing with mass demonstrations and to what extent those provisions reflected international human rights standards. Could the delegation provide information about any non-violent means that were employed before resorting to the use of force and about any measures that were in place to ensure restraint and/or the exercise of force commensurate with the offence and the objective to be achieved? He would be interested to learn about any training that was provided on the use of force and firearms and whether or not law enforcement officials were also issued non-lethal incapacitating weapons.

14. The Committee was particularly concerned about incidents that had occurred in September and October 2013, when a crackdown against anti-austerity protestors had allegedly left more than 170 people dead and many others injured. He understood that no independent investigation had been conducted into those incidents but that they had been looked into by three State commissions of inquiry. He hoped the findings of those commissions could be made available to the Committee. In addition, he wished to ask the delegation to provide statistics, disaggregated by sex and age, on the exact number of persons killed, to explain the causes of death, to specify how many officials had been investigated, prosecuted and convicted for their involvement in the incidents and to provide information about any reparation made available to victims' families.

15. There seemed to be no indication that the Government intended to repeal provisions in the National Security Act, the Police Act and the Armed Forces Act that granted immunity from prosecution to security officials. Although such immunity could be — and seemingly often was — lifted when State agents were suspected of having committed an offence, he would appreciate more detailed information on the exact nature of the procedures involved. Could victims submit a request for the withdrawal of immunity, or was that the prerogative of superior officers? If such requests could be made, on what basis were they accepted or rejected? If immunity was withdrawn, which court was competent to conduct the proceedings? He would be interested to know what types of actions on the part

of security officials would be considered to amount to human rights violations, to which their immunity apparently did not apply. Did such actions include torture, ill-treatment, excessive use of force and arbitrary detention? He would also like to invite the delegation to provide more details about the immunity enjoyed by the Head of State. Did it extend beyond the end of his mandate and did it, too, exclude human rights violations?

16. Under a 2013 amendment to the Armed Forces Act, civilians could apparently be tried before military courts for a series of vaguely defined offences such as "disseminating false news" or "undermining the constitutional system". He was concerned that those provisions seemed to be routinely used to prosecute political opponents. Could the delegation inform the Committee whether those provisions were fully enforced, how many such cases had been brought before the military courts and what the outcomes of those cases had been?

17. **Mr. Ben Achour** said that he remained concerned about the use of arbitrary arrests and prolonged detention without charge or trial. In particular, the Committee had received reports of persons being held in what was called "administrative detention", a practice that seemed to be applied predominantly against opposition figures. He wished to know to what extent the guarantees enjoyed by persons in detention, as set forth in article 51 of the National Security Act, also applied to those held in administrative detention. Under the Code of Criminal Procedure, suspects could be held in detention for between 24 hours and 14 days, while article 50 of the National Security Act provided for detention for up to 4 and a half months. He failed to understand how those provisions were consistent with articles 9 and 14 of the Covenant or paragraph 33 of the Committee's general comment No. 35, according to which no one should be detained without judicial review for a period in excess of 48 hours. Could the delegation explain whether the Government had any plans to review its national legislation in that regard? He was particularly interested in any plans to amend the National Security Act, which the Committee had already highlighted as a source of concern in its 2014 concluding observations on the State party's fourth periodic report.

18. Another area of continuing concern was that of freedom of conscience and religious belief in law and in practice. Although the Criminal Code did not prohibit the renunciation of Islam in and of itself, it provided for the imposition of the death penalty for any public proclamation or open declaration of such a renunciation. The problem lay in the fact that the terms "public proclamation" and "open declaration" were imprecise and open to a wide degree of interpretation. Moreover, such a provision entailed a self-evident violation of freedom of expression, for what was expression if not "public proclamation" and "open declaration"? Modern Sudanese history included instances of persons who had been sentenced to death for apostasy, including Meriam Ibrahim in 2014, although she had eventually been acquitted, and Mahmoud Mohammed Taha, who had been hanged in 1985. The law thus presented a very real threat to persons who wished to express their views. Could the delegation comment on that issue in general and in the light of comments reportedly made by the Minister of Justice, who had acknowledged that domestic law was not in line with the State's international obligations in that regard?

19. **Ms. Cleveland** said that she would be interested to hear how the courts interpreted article 27 (2) of the Criminal Code, which, for certain offences, appeared to allow the death penalty for persons under 18. Had death sentences ever been handed down to minors? She would also like to know exactly what offences attracted the death penalty, which, according to the Covenant, was meant to be reserved for only the most serious crimes. On another subject, could the delegation provide annual statistics on the number of legal abortions carried out in the country and an estimate of the number of unlawful abortions?

20. The State party was hosting one of the world's largest populations of refugees and asylum seekers and, according to the authorities, only 22 per cent of those people had been fully registered by 2015. She wished to know if any progress had been made in that regard since then. She also hoped to learn about plans to address the concerns expressed by Amnesty International and other bodies about the fact that the 2014 Asylum Act maintained the excessive restrictions on the freedom of movement of refugees and asylum seekers and did not include sufficient guarantees for persons wishing to challenge deportation orders. She was concerned, moreover, that although the Asylum Act set forth the principle of non-refoulement, the State party was apparently unable to substantiate its claim that no refugees

or asylum seekers had been expelled from the country, since, reportedly, persons were expelled without their situations having been individually assessed or without having had the opportunity to apply for asylum. More specifically, the Committee's attention had been drawn to various incidents between 2014 and 2017 in which Eritreans, some of them minors, had allegedly been forcibly deported without having been given the opportunity to apply for asylum. Concerns had also been raised regarding a 2016 memorandum of understanding on migration between the Sudan and Italy, which, it was feared, could result in mass removals without any prior individualized assessments having been made.

21. In the light of that information, she hoped the delegation could tell the Committee that steps were being taken to protect asylum seekers by upholding the principle of non-refoulement, undertaking individualized assessments of such persons' situations, identifying trafficking victims and providing access to judicial remedies and legal aid. She would also be interested to know what measures were in place to protect minors in such situations. In the face of reports that some foreign nationals were being arrested and charged with unlawful entry into the State party, could the delegation give assurances that criminal law provisions were not being inappropriately applied to migrants?

22. The Committee had received reports of the inappropriate use of force to conduct mass removals, in particular by the paramilitary Rapid Support Forces, which Human Rights Watch and other organizations had claimed were implicated in wide-ranging abuses. The Committee was still awaiting information on the 2017 case of 65 asylum seekers from Ethiopia and Eritrea who had allegedly received 40 lashes before being deported. She wished to know what efforts were being made to provide training to persons involved in dealing with migrants and refugees and to investigate cases of ill-treatment. Lastly, she hoped the delegation could comment on concerns about discriminatory practices that specifically targeted Eritrean migrants and on reports that Sudanese nationals returning from other States were sometimes interrogated and mistreated by the National Intelligence and Security Services.

23. The Committee had received reports that the National Council for Press and Publication and the National Intelligence and Security Services routinely violated the right to freedom of expression, assembly and association in order to prevent criticism of the Government. Concerns had also been raised about the control exercised by the President over the National Council for Press and Publication. She wondered what measures had been taken to ensure that the activities of the Council were consistent with article 19 of the Covenant and how many newspapers had been temporarily shut down by the Council, without a court order, during the period under review. She wished to know whether any journalists had been prosecuted under the 2009 Press and Publications Act for disseminating what was purportedly false news. She would also like the delegation to comment on reports that, in May 2018, the National Intelligence and Security Services had ordered the chief editors of various publications not to publish articles on certain issues.

24. A number of reports received by the Committee contradicted the State party's claim that newspapers were no longer being censored. For example, in June 2016, a sports newspaper had allegedly been ordered to suspend its activities indefinitely after it had accused the governor of Khartoum State of corruption. It would be helpful if the delegation could comment on the accuracy of those reports and explain the reasons for any newspaper closures or suspensions that had occurred during the reporting period. She would like to know the status of the proposed legislation that would allow national security agents to shut down media outlets for 15 days without giving a reason. The Committee had been informed that editions of several opposition and independent newspapers had been confiscated in January 2018. She would like to know why, in those cases, confiscation had been considered a strictly necessary and proportionate action that was consistent with article 19 of the Covenant. She would also appreciate a response to the earlier question regarding the banning of an Al-Jazeera reporter in 2016.

25. The Committee had received reports that human rights defenders had been prevented from travelling to Geneva for the universal periodic review of the Sudan and that various human rights defenders and political leaders had been subject to travel bans and had had their passports confiscated. The State party had indicated that travel bans could be imposed only if legal proceedings had been initiated against the person concerned. She

would like to know more about the nature of the legal proceedings that had been brought against the human rights defenders and political leaders in question, the remedies that were available to those people and the legal grounds for the confiscation of passports in such cases. Lastly, she would like to know how many civil society organizations had been denied the right to register with the authorities and on what grounds.

26. **Mr. de Frouville** said that the Working Group on Enforced or Involuntary Disappearances had planned to visit the Sudan in March 2018 but had been unable to do so. He wondered whether that visit would be rescheduled for the near future and whether the State party planned to adopt comprehensive legislation that defined enforced disappearance as a specific offence and provided for the establishment of a dedicated mechanism for shedding light on the outstanding cases that had been mentioned in the 2018 report of the Working Group (A/HRC/39/46).

The meeting was suspended at 11.35 a.m. and resumed at noon.

27. **Mr. Dugdug** (Sudan) said that any questions requiring the consultation of statistics or specific legal provisions would be answered in writing within 48 hours of the end of the dialogue. A memorandum regarding the possible amendment of article 27 of the Criminal Code, which provided for the penalties of stoning and crucifixion, had been submitted to the Cabinet, discussed and implemented. There had been no reports of human rights violations occurring in prisons. Prison guards were trained to handle prisoners in accordance with certain standards. Public prosecutors were entitled to inspect prisons and to take measures to improve the living conditions of prisoners. Likewise, judges were entitled to inspect prisons at any time, with or without prior notification. Temporary detention facilities were also subject to inspection. The conditions in prisons were monitored by lawyers, who could report any violations to a prosecutor or a judge. Al-Huda Correctional City was a very spacious, model prison that had been built in accordance with international standards. The inmates, who were treated with dignity and could participate in a range of activities, were placed in different sections of the prison depending on the severity of the offence for which they had been convicted.

28. Murder was punishable by the death penalty, life imprisonment or a shorter prison sentence, depending on the circumstances of the case. The offence of human trafficking aggravated by murder or rape was punishable by death; however, no death sentences had been handed down for that offence thus far. Human trafficking was a growing problem in the Sudan, which was a country of transit for many refugees from neighbouring countries. In order to address that problem, the Government had increased the penalties for human trafficking and had stepped up its international judicial cooperation activities. Law enforcement officers received training to help them to differentiate between people-smuggling, human trafficking and migration offences and to distinguish between victims and perpetrators in such cases. The Government was committed to ensuring that no act of human trafficking went unpunished, regardless of who the perpetrator was. A number of officials had been arrested and prosecuted in connection with such offences.

29. There were currently over 100 registered political parties. Those parties could conduct their activities freely, subject to the relevant legislation. To date, no political parties had been shut down. Law enforcement officers were receiving training on the use of force during demonstrations. The events of September 2013 were being investigated and some individuals had been prosecuted. Reparation and compensation committees had been established in a number of states.

30. Proceedings could be brought against the President and the first Vice-President before the Constitutional Court for high treason, grave violations of the Constitution or the unlawful conduct of State affairs. The decision to bring such proceedings was subject to the approval of at least 75 per cent of the members of the legislature. In such cases, conviction resulted in removal from office. In addition, any person who believed his or her rights to have been violated by the President or the Office of the President could file a complaint with the competent court.

31. The refugee situation remained challenging owing to problems in neighbouring countries that had resulted in mass migration. The Sudan was wholly committed to fulfilling its international obligations in respect of refugees. Assistance was provided by

international organizations, including the World Food Programme and the World Health Organization, both of which were allowed to operate in the Sudan without any restrictions. One of the main challenges faced by the Government was the need to identify and register refugees in order to be able to provide them with basic services. Many refugees had no access to education; in White Nile State, for example, out of 29,000 school-age refugees, only 6,000 were able to attend school. The Government was working round the clock to resolve such problems, which were partly a consequence of insufficient support from the international community. No refugees were denied access to the Sudan; however, in accordance with the Convention relating to the Status of Refugees, asylum was not granted to persons who had committed a human rights violation or breached international humanitarian law in their country of origin. In such cases, the Government took the view that voluntary return was the best solution.

32. **Ms. Abdelhalim Ahmed** (Sudan) said that victims of female genital mutilation could undergo reconstructive surgery at a special facility. The surgeons who worked there had received training in the United States of America. Reconstructive surgery of that kind was authorized under Sudanese law. Several communities had abandoned the practice of female genital mutilation as a result of awareness campaigns launched by the Government, such as the "Salima" campaign and the "Mercy and compassion" campaign, which called for the abandonment of female genital mutilation and other harmful practices, such as child marriage and domestic violence. The United Nations Population Fund (UNFPA) was providing technical and financial support for both campaigns, which were coordinated with the authorities, including the Ministry of Religious Affairs, and were aimed at young people, religious leaders and preachers, journalists and others working in the media. Studies showed that the rate of female genital mutilation among children aged between 0 and 14 years had fallen from 43 per cent in 2006 to 37 per cent in 2010 and 31 per cent in 2014.

33. An provision that would prohibit female genital mutilation was to be included in the Federal Criminal Code. It had been approved by the Council of Ministers in 2016 and was pending before the National Assembly, and it was hoped that it would be enacted before the end of 2018. Community-based campaigns were being pursued in 12 states to encourage the adoption of legislation to combat harmful practices, while the other 6 states had already done so.

34. The death penalty was never applied to persons under the age of 18, as that was prohibited by the 2010 Children's Act.

35. Abortion was legal if it was performed to preserve the health of the woman, if the pregnancy resulted from rape or if the fetus was dead in the womb. Such cases were subject to quarterly reporting by rural health centres and hospitals, and a consolidated annual report was issued at the federal level. Cases of illegal abortion only came to light when complications such as the death of the woman occurred. Such cases were reported to the Ministry of the Interior or the prosecution authorities, and annual figures were compiled from criminal reports. Judicial proceedings had been opened in three such cases in 2018.

36. The definition of "indecent attire" in the Criminal Code was currently under review, in consultation with civil society organizations and government authorities.

37. The Unit for Combating Violence against Women and Children acted as the coordinator at the federal level for peer units in 14 states and was working with United Nations agencies to establish units in the remaining four states. It was also working with the European Union on a declaration on the protection of women in emergency situations, including armed conflict.

38. **Mr. Eltahir** (Sudan) said that the country's juvenile courts focused on reforming and rehabilitating young offenders. Penalties ranged from returning them to the care of their parents to the most severe sentence, which was committal for 5 years to a juvenile detention centre. The general situation in Sudanese prisons was good, for instance, in terms of access to drinking water and sanitation, and the Government had been commended on conditions in Al-Huda prison, in particular. It was also working with the International Committee of the Red Cross (ICRC) on a number of issues related to prison conditions.

39. The incident in Kalma had been caused by armed rebel groups in the camp that had fired on people to prevent them from attending festivities outside the camp. The authorities had proof that internally displaced persons, even children, in areas under the control of rebel movements had been recruited as soldiers. The Rapid Support Forces were accused of abuses by rebel groups because they had been so effective in confiscating weapons and clamping down on human trafficking along the country's northern and eastern borders. If persons had complaints against members of the security forces who had been involved in controlling demonstrations, there were several institutions that they could appeal to by, for instance, directing their complaint to the information centre of the agency concerned — such centres existed throughout the country and were open around the clock. Persons with such grievances could also turn to the ordinary courts, the Constitutional Court or various mechanisms in both the executive and the legislative branches.

40. As concerned the specific cases mentioned by Mr. Heyns, the killings of Abubakar Hassan Mohamed Taha and of Mohamad Al-Sadiq in April 2016 had both occurred on university premises in the context of student disturbances. Regular security forces were not allowed to enter university campuses, which had their own security services. Criminal cases had been brought against a number of students, and investigations were ongoing. The events of September 2013, when 84 persons had died, had been investigated by a special committee and the Ministry of Justice. Compensation had been awarded in 81 cases and the remaining 3 were pending.

41. Administrative detention was considered to begin when a person was taken into police custody, which could last for 24 hours before the detainee was transferred to the authority of the prosecutor's office. That office was authorized to inspect all places of detention. Under the 2010 National Security Act, detainees could be held for a maximum of 1 month under the authority of the prosecutor, although, if more time was required to complete the investigation, that period could be extended by 15 days. In the specific cases of six extraordinarily serious offences, including armed robbery, political violence and espionage, a detainee could be held for up to 3 months for the purposes of the investigation on the authority of the National Security Council.

42. The Republican Party was not an officially registered political party, but had nevertheless been authorized to mark the death of its founder on 18 January. Any sanctions taken against newspapers must be imposed through judicial channels by the office of the public prosecutor; the security services played no role in that connection.

43. **Mr. Mustafa Ahmed** (Sudan) said that the judicial policy of refraining from applying the penalties of stoning and amputation could be interpreted as an undeclared moratorium on their use. In line with proposed amendments to the Criminal Code, flogging would soon be applicable as a penalty only for three *hudud* offences; it could not be applied to children as it was not allowed under the Children's Act.

44. The immunity of a public official must be lifted if the public prosecutor's office requested that it should be withdrawn and there was prima facie evidence of the commission of a crime, but such a decision could be appealed against. The President had immunity for both personal and official functions. Sudan was not a party to the Rome Statute of the International Criminal Court and questions relating to its provisions were not covered by the Covenant; in his Government's view, that issue therefore fell outside of the Committee's competence.

45. **Mr. Dugdug** (Sudan) said that the Sudan would honour its commitments and was coordinating the arrangements for the proposed visit of the Working Group on Enforced or Involuntary Disappearances.

46. **Mr. Ben Achour** said that it was his understanding that the National Security Council was an administrative rather than a judicial body, and he would therefore like to know what legal safeguards were in place for persons held in detention under its authority. He would also be interested to hear the reasoning behind the State party's criminalization of homosexuality.

47. **Mr. Heyns** said that he would welcome information on any amendments being considered in connection with the laws governing the offences that carried the mandatory

death penalty, which he understood to be murder, armed robbery, drug trafficking, adultery and apostasy. The fact that the punishments of crucifixion, stoning and amputation remained on the law books inevitably raised questions in people's minds; if they were in any case not applied in practice, the State might consider removing them. Although the Committee's mandate did not include the International Criminal Court, it did cover the right to life, under article 6, and the right to an effective remedy for violations, under article 2 (3).

48. **Mr. Politi** said that he would like to learn whether there had been any effective, independent investigation of the police and security officials responsible for the incidents involving excessive use of force that had occurred in West Darfur in January 2016 and in El Geneina, West Darfur, in January 2018. If so, had any of those persons been brought to trial? He would also like further information on the 2013 amendments to the Armed Forces Act that allowed civilians to be tried before military courts.

49. **Mr. Muhumuza** said that he would be grateful for a written response concerning the refugees from Darfur who had reportedly been detained in eastern Chad and then forced to agree to a supposedly voluntary return to Sudan. He would also like to see proof that persons in need in areas of conflict were being given the necessary humanitarian assistance.

50. **Mr. Dugdug** (Sudan) said that his delegation was grateful for the opportunity to appear before the Committee and had taken good note of the members' opinions and questions. Their suggestions would aid the Sudan in its efforts to protect and promote human rights. His Government was open to dialogue and welcomed visits from civil society and international organizations aimed at helping it to build up its capacity in the area of human rights. His delegation would provide further details in answer to the Committee's questions within 48 hours, as required.

The meeting rose at 1.10 p.m.